

# **CITY OF LEWISTON**

**CITY COUNCIL**

**APRIL 15, 2008**

## **REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.**

**PRESENT:** Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Dube

Pledge of Allegiance to the Flag.

Moment of Silence.

## **APPROVAL OF ELECTION WARRANT FOR A SPECIAL MUNICIPAL ELECTION ON MAY 6 FOR THE SCHOOL BUDGET VALIDATION REFERENDUM**

### **VOTE (99-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, May 6, 2008 for the purpose of voting for the School Budget Validation Referendum, and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election :

- A. That the hours for acceptance of registrations in person only, prior to the May 6th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, April 15 through May 5, 2008.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 6 election.

Passed - Vote 6-0

## **APPROVAL OF NAME OF PRIVATE WAY AS TOURMALINE DRIVE**

### **VOTE (100-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To approve the request to formally name the private road off of Almond Avenue as "Tourmaline Drive". Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR GRIDIRON RESTAURANT, 1567 LISBON ST**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

**VOTE (101-2008)**

Motion by Councilor Theriault, seconded by Councilor Reed:

To grant a special amusement permit for live entertainment for the Gridiron Restaurant, 1567 Lisbon Street. Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR DEL'S BAR & GRILL, 43 WALNUT STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. The owner was present to answer any questions. Councilor Bailey inquired about the number of disorderly calls in the police log for this establishment. Deputy Chief Bussiere stated there were thirty eight calls, about three per month, which is not overly high. He noted the location of this business, at the corner of Bartlett and Walnut Streets, is a high crime area in general and it is a neighborhood problem. He said the officers have increased patrols in this area. Councilor Bailey asked the owner about lighting in the smoking area behind the bar, saying that a lot of drug activity occurs in their smoking area since the lighting is poor.

**VOTE (102-2008)**

Motion by Councilor Poulin, seconded by Councilor Theriault:

To grant a special amusement permit for live entertainment to Del's Bar & Grill, 43 Walnut Street. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENT  
REGARDING LARGE SCALE RETAIL DEVELOPMENTS**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

**VOTE (103-2008)**

Motion by Councilor Theriault, seconded by Councilor N. Peters:

That the proposed amendment to Appendix A, Article XIII "Development Review and Standards", Section 14, "Additional standards for large-scale retail development", of the City Zoning and Land Use Code, receive final passage by a roll call vote.

Passed -Vote- 4-2 (Councilors Reed and Bailey opposed)

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS  
CONCERNING THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

**VOTE (104-2008)**

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning the placement of political signs, receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS  
CONCERNING WIRELESS COMMUNICATION FACILITIES**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. It was noted that Councilors heard from EMA Director Joanne Potvin who is opposed to the ordinance language and stated the ordinance would create problems for their emergency communications equipment.

**VOTE (105-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To postpone this item indefinitely. Passed - Vote 6-0

**PUBLIC HEARING FOR AUTHORIZATION TO ISSUE \$147,099 IN QUALIFIED  
ZONE ACADEMY BONDS FOR SCHOOL CAPITAL IMPROVEMENT PROJECTS**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

**VOTE (106-2008)**

Motion by Councilor Poulin, seconded by Councilor Reed:

To approve the Order to finance school capital improvement projects through a Qualified Zone Academy Bond Issue in the amount of \$147,099:

ORDERED, That \$147,099 be appropriated to finance capital improvements at Montello School;

FURTHER ORDERED, That to meet this appropriation, \$147,099 shall be raised through the issuance of Qualified Zone Academy School Bonds;

FURTHER ORDERED, That the City Council instruct the Finance Director to negotiate the sale

of the Bonds with Gorham Savings Bank, or any other qualified purchaser; to award the loan; and to employ Edwards Angell Palmer & Dodge LLP to furnish the legal opinion for the same;

FURTHER ORDERED, That the Bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the Bonds and of the provisions for the sale thereof shall be determined by the Finance Director.

Passed - Vote 6-0

**PUBLIC HEARING ON A BOND ISSUE ORDER FOR BUILDING IMPROVEMENTS  
AT MCMAHON ELEMENTARY SCHOOL**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. The City Administrator stated the city will borrow just under \$400,000 for this project, but the State will pay \$326,850 toward the project, leaving Lewiston tax payers to only have to cover \$162,080 for the project improvements.

**VOTE (107-2008)**

Motion by Councilor Poulin, seconded by Councilor T. Peters:

To approve the Order to finance the school capital improvement projects at McMahon Elementary School through the State's Revolving Renovation Fund Program in the amount of \$162,080:

Ordered, That \$162,080 be appropriated to finance the local share of the \$488,930 McMahon School Air Quality Improvements;

Further Ordered, That to meet this appropriation, \$162,080 shall be raised by a bond issue through the Maine Municipal Bond Bank and the Revolving Renovation Fund Program;

Further Ordered, That the Maine Municipal Bond Bank application shall be signed by the Finance Director.

Passed - Vote 6-0

**APPROVAL OF THE RELEASE AND SETTLEMENT AGREEMENT BETWEEN  
MICHAEL HAMLIN AND THE CITY OF LEWISTON REGARDING  
THE PROPERTY AT 7 MILL STREET**

Councilor T. Peters stated this is an important step to clean up the title to the Island Point property. Mr. Bennett said the city had to take the property by eminent domain from ourselves to create an ownership trail, stating this is a tax acquired property. The original claim from the previous owner against the city was one million dollars, and this has been settled for \$10,000.

**VOTE (108-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To approve the Release and Settlement Agreement between Michael Hamlin, individually, and on behalf of Hamlin's Roofing Bracket Co. and Hamlin's Provider of Wholesale Renewable Energy, and the City of Lewiston, to authorize the City Administrator to sign the Agreement, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 6-0

**APPROVAL OF JOINT DEVELOPMENT AGREEMENT WITH WINSTON HOSPITALITY, INC. AND THE CITY OF LEWISTON REGARDING THE ISLAND POINT PROJECT AND APPROVAL OF THE GROUND LEASE BETWEEN WINSTON HOSPITALITY, INC. OR ASSIGNS, AND THE CITY OF LEWISTON REGARDING THE PROPERTIES AT 7 MILL STREET AND A PORTION OF 6 MILL STREET**

The City Administrator said this item is for approval of a joint development agreement for a new hotel in the location of the Cowen Mill, which will bring a \$15-17 million dollar investment. The project will clean up the entire site and the city will not borrow money to build parking or to maintain it, this will be handled privately. Lincoln Jeffers, Economic Development Assistant to the City Administrator, presented a thirty minute power point presentation, featuring the location of the site and the other locations developed by Winston Hospitality. He announced the hotel will be a 120 room Courtyard by Marriot hotel. Councilors noted this is an incredible opportunity and that the developer has an excellent reputation and they look forward to partnering with him.

Charles Soule of 170 Bartlett Street cautioned the Council about granting a twenty year TIF, asking it if was justifiable for this project. Councilor Theriault noted the economic development spin off potential for other projects in the area is great. The City Administrator noted this project does not raise property taxes at all, but it funds itself and will not impact the city budget. Councilor Reed noted this project is a win-win for both the city and the developer, and said it will bring jobs such as construction, hotel, etc.

**VOTE (109-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To authorize the City Administrator to enter into a Joint Development Agreement between Winston Hospitality, Inc. and the City of Lewiston, and the Ground Lease between Winston Hospitality, Inc. or assigns, and the City of Lewiston regarding the properties at 7 Mill Street and a portion of 6 Mill Street, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 6-0

At this point, the Council took a five minute recess.

**REVIEW AND DETERMINATION OF FOUR PROJECTS THAT WERE  
APPROVED AND FUNDED BY THE PREVIOUS CITY COUNCIL,  
BUT NOT YET FULLY IMPLEMENTED**

Councilor T. Peters said the Council has reviewed the entire list, gave their authorization for many projects to proceed, declined to move forward on a few projects and wanted the entire Council to vote on these four remaining projects. Councilors Poulin and Bailey asked for an update on the Kennedy Park renovations and Deputy City Administrator Phil Nadeau provided a quick status report, noting the playground equipment, drainage and landscaping.

Jan Barrett of 52 Ware Street and Ed Plourde addressed the Council, stating they represent a local community group called Landmarks Lighting, which works to illuminate landmarks in the Lewiston-Auburn area. They noted that highlighting a local landmark with nighttime lighting makes the area more inviting and is more inviting to economic development. They urged the Council to restore the funds to light the City Hall bell tower and suggested viewing Lewiston through the eyes of a visitor to town. They noted their group believes lighting specific landmarks in town will help to change the image of the city and will create pride. They said the steeple at the Franco-American Heritage Center will be lit this summer. Mr. Plourde suggested a compromise to possibility scale back the City Hall lighting and only light part of the tower. He also suggested a possible match of private funds. Councilor T. Peters suggested the Council and the organization pursue the suggested compromise ideas.

**VOTE (110-2008)**

Motion by Councilor Reed, seconded by Councilor N. Peters:

To vote on all four projects together and that all four projects ought not to pass.

Passed - Vote 6-0

**APPROVAL OF THE PARKING AND CIRCULATION EASEMENT AGREEMENTS  
BETWEEN ST. MARY'S REGIONAL MEDICAL CENTER AND  
THE CITY OF LEWISTON**

Councilor Theriault recused himself from this item due to a conflict of interest, noting his spouse is employed by the hospital. Mayor Gilbert noted he is no longer a member of the SOCHS board and therefore he would not be recusing himself since there is no conflict of interest presently. St. Mary's CEO James Cassidy explained the need to expand the emergency room, noting an increase in behavioral patients in the community.

**VOTE (111-2008)**

Motion by Councilor Reed, seconded by Councilor Bailey:

Be It Ordered, that the City Council hereby grant, allow and establish an easement at 75 Central Avenue with Sisters of Charity Health Systems, Inc. and to authorize the City Administrator to

sign all documents and agreements on behalf of the City to grant the Parking and Circulation Easements to the Sisters of Charity Health Systems, Inc. on a portion of city owned land at 75 Central Avenue, the property of Lewiston Middle School, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 5-0 (Councilor Theriault abstained)

**RECEIVE FUNDING RECOMMENDATIONS FOR THE FISCAL YEAR 2009  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGET AND  
TO SET THE PUBLIC HEARING DATE FOR THE CDBG BUDGET APPROVAL**

**VOTE (112-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To receive the recommendation from the CDBG Review Committee for the allocation of the Community Development Block Grant program funds for the City's 34<sup>th</sup> year (2008-2009), and further that the schedule be published for a public hearing to be held at the regular City Council meeting of Tuesday, May 6, 2008. Passed - Vote 6-0

**DISPOSITION OF THREE PROPERTIES WITH MATURED TAX LIENS**

The Finance Director informed the Council that the property owner paid the outstanding taxes on the No Name Pond Road property, so this property can be removed from the proposed motion.

**VOTE (113-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To request a recommendation from the Planning Board regarding the sale of a property with matured tax liens (parcel number 10571 on Gayton Road) and to bring this item back for Council action after the Planning Board's recommendation is received. Passed - Vote 6-0

**VOTE (114-2008)**

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To authorize the Purchasing Agent to enter into negotiations with the owner of County Lane Estates regarding the sale of an abandoned mobile home at 2 Harvest Lane, parcel number 90012989, and that the City Administrator be and hereby is authorized to make, execute and deliver any and all documents necessary or convenient for the accomplishment of these transactions. Passed - Vote 6-0

**INITIATE A REVIEW OF AVAILABLE OPTIONS FOR THE GENERATION OF  
WIND POWER AT THE SOLID WASTE FACILITY**

**VOTE (115-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To direct staff to begin to explore the various options that are available regarding the generation of wind power at the City's solid waste facility. Passed - Vote 6-0

**REPORTS AND UPDATE**

No reports or updates were presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (116-2008)**

Motion by Councilor T. Peters, second by Councilor Theriault:

To adjourn at 9:10 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine